

REMARKS

This is a full and timely response to the non-final Official Action mailed April 7, 2004 (Paper No. 9). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

By the forgoing amendment, the specification and claims have been amended. Additionally, new claims 10-59 have been added, and original claims 7-9 have been cancelled. Thus, claims 1-6 and 10-59 are currently pending for the Examiner's consideration.

The outstanding Office Action rejected claims 1-9 as unpatentable under 35 U.S.C. § 101 because the claimed packet identifier table is allegedly a mere data structure that does not constitute statutory subject matter. While Applicant does not necessarily agree with this conclusion, Applicant has amended the claims herein to recite a re-multiplexer module that contains and uses the packet identifier table in processing packetized data.

Consequently, Applicant respectfully submits that the claims as amended or newly-presented herein are clearly directed to statutory subject matter, i.e., a machine or a process. Notice to that effect is respectfully requested.

With regard to the prior art, the recent Office Action rejected claims 1-9 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,506,844 to Rao ("Rao"). For at least the following reasons, Applicant respectfully traverses this rejection.

As amended herein, claim 1 recites:

A re-multiplexer module comprising:
an input processor controlled by a host processor in a packet processing system;

a packet buffer;
a packet identifier table, said table comprising an active table containing values used by the input processor to select packets for storage in said packet buffer; and a pending table containing values that can be modified by the host processor while the active table is being used by the input processor,
wherein said input processor stores a packet in said packet buffer if said packet has an identifier listed in said packet identifier table.

In contrast, Rao does not teach or suggest a packet identifier table as claimed.

Applicant notes that, as claimed, the packet identifier table identifies those packets that are to be stored in a packet buffer as opposed to packets that should be discarded. “[S]aid input processor stores a packet in said packet buffer if said packet has an identifier listed in said packet identifier table.”

Rao does not teach or suggest a table that identifies packets to be stored as opposed to packets to be discarded. Rao, instead, teaches a table of compression rates that are used by a multiplexer to allocate space in a communication channel for data coming from a plurality of encoders.

The new compression rates are used to build a new table that is used over the next window. A window is defined more completely below. Hence, controller 310 is selecting packets from encoders 302-1 to 302-L for transmission to communication channel 330 and at the same time is generating a new table of compression rates. When the new table is complete, the new compression rates are transmitted to encoders 302-i that are processing variable rate applications. At about the end of the window, encoders 302-i that are processing variable rate applications shift to the new compression rates and then statistical multiplexer 300 shifts to the new table. Specifically, statistical multiplexer 300 switches to the new table.

In an embodiment that is described below, the table utilized by statistical multiplexer 300 to allocate each unit of data that can be transmitted over communication channel 330 over the window is in fact two tables, a static table and a dynamic table. The static table has an entry for each unit of encoded data that can be transmitted over communication channel 330 in the predetermined time interval.

(Rao, col. 7, lines 1-20).

Consequently, Rao is completely irrelevant to the claimed invention. Rao fails to teach or suggest the claimed packet identifier table that identifies which packets in a stream

should be written to a packet buffer. Rao further fails to teach or suggest the division of such a packet identifier table into active and pending portions.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, because Rao fails to teach or suggest all the features of claim 1, the rejection of claims 1-6 based on Rao should be reconsidered and withdrawn.

The newly-added claims are clearly patentable over the prior art of record for at least the same reasons given above with respect to claim 1. Therefore, examination and allowance of the newly-added claims are respectfully requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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